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Report on the working of the payment of wages Act in the Province of Madras for the Calendar year ~~19~~ 1938

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BRR No 841 7/1939 31 JULY 1939

Government of Madras

DEVELOPMENT DEPARTMENT

G.O. No. 1565, 20th June 1939

The Payment of Wages Act, 1936—Annual report—1938—Recorded.

READ—the following papers :—

G.O. No. 289, Development, dated 1st February 1938.

Letter No. 2092, Development, dated 26th August 1938.

From the Commissioner of Labour, dated 21st May 1939, C. No. 840/39.

Order—No. 1565, Development, dated 20th June 1939.

Recorded.

(By order of His Excellency the Governor)

V. N. VISWANATHA RAO,
Secretary to Government.

To the Commissioner of Labour and Chief Inspector of Factories.
,, the Commissioner of Police.
,, the Director of Industries and Commerce.
,, the Director of Public Health } (through Education and Public Health
,, the Surgeon-General } Department).
,, all District Magistrates.
,, the Education and Public Health Department.
,, the Public Department.
,, the Local Administration Department.
,, the Government of India, Department of Labour (with C.L.).
,, the High Commissioner for India.
,, the Superintendent, Government Press.

Press.

REPORT ON THE WORKING OF THE PAYMENT OF WAGES ACT IN THE PROVINCE OF MADRAS FOR THE CALENDAR YEAR 1938.

Owing to the inadequacy of the Factory Inspection staff, the provisions of the Act were not extended to industrial establishments under section 1 (5) of the Act. Therefore the provisions of the Act were applicable only to 1,663 factories and 174,604 employees, excluding the railway factories and the employees therein. Inspections under this Act were combined with inspections under the Factories Act. Special visits were made in a few cases in connexion with complaints received from the workers and their Unions in regard to delay in the payment of wages or the non-payment of wages and wherever necessary the parties concerned were advised to apply to the Commissioner for Workmen's Compensation—the authority prescribed under section 15—for a direction under sub-section (3) of section 15 of the Act. On the whole, 2,470 inspections were made under this Act. No difficulty has been experienced by the Inspectors either in the administration of the Act or in the interpretation of the provisions of law.

2. *Posting of abstracts.*—The abstracts of the Act and Rules were posted at or near the entrance of every factory covered by section 2 (*j*) of the Factories Act.

3. *Approval of acts and omissions, etc.*—List of acts and omissions for which fines might be imposed, the purposes on which the proceeds could be utilized and the persons empowered to impose fines were received from twenty employers involving thirty-one factories for the approval of the Chief Inspector of Factories. The lists were carefully scrutinized and approved with a view to improve efficiency and discipline among the workers and to restrict the utilization of the fines to items which were beneficial to persons employed in the factory. Particulars are given in Appendices I and II.

4. *Register of fines.*—The procedure laid down for the imposition of fines was followed; but in view of the elaborate procedure involved and the low amount of fine permissible, many factories have ceased to impose any fines on the workers.

The statistics in Return I appended to the report show the amount of deductions towards fines, absence, damage or loss, and other causes in factories other than the railway factories and railways.

5. *Registers.*—Registers required to be kept under the Act and Rules were maintained by the paymasters. In smaller factories, the register of workers maintained under section 41 of the Factories Act was accepted as a Register of Wages provided the information required under rule 5 of the Madras Payment of Wages Rules, 1937, was also furnished.

6. *Dates of payment.*—The provisions of section 5 and rule 8 made thereunder were complied with. In a few cases however there was some delay in making the payments on the specified dates due to unforeseen circumstances and the paymasters were duly warned.

7. *Provincial Government's approval under sub-section* (2) *of section* 7.—The Government had accorded approval for making the following deductions from the wages of the employed persons :—

(1) Subscriptions to the Provident Fund under section 7 (2) (*i*) subject to the condition that the provident fund moneys are invested in securities or banks specified in section 34 of the Madras Co-operative Societies Act, 1932 (V of 1932), and that the rules of the provident fund are not altered without the previous sanction of the Government, and

(2) payments to co-operative credit societies and co-operative housing societies under section 7 (2) (*j*) subject to the condition that the member concerned authorizes in writing the making of such deductions.

8. *Application to the authority appointed under section* 15.—Fifteen applications were made affecting 82 workers in respect of wages amounting to Rs. 3,515–2–3. Rs. 925–11–0 towards wages and Rs. 10 as compensation for three workers covered by three applications have so far been recovered. Five applications were rejected for various reasons and two dismissed after hearing. Five cases are pending. Details for the above are given in Return II appended to the report.

9. *Prosecutions.*—Prosecutions were instituted in four cases for the violation of certain provisions of the Act and particulars are given in Return III appended to the report. Convictions were obtained in all the four cases and the amount of fine imposed was Rs. 15 in each case.

There are no judicial decisions to report.

MADRAS,
Dated 21*st May* 1939.

S. V. RAMAMURTI,
Commissioner of Labour and
Chief Inspector of Factories.

RETURN I.

Deductions from wages.

Calendar year 1938.

Total number of establishments subject to the Act.	Total number of persons employed.	Total wages payable.	Deductions from amount entered in column (3) on account of				Total deductions.
			Fines.	Absence.	Damage or loss.	Other causes.	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
		RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.
1,668	174,604	2,30,33,865 11 3	3,953 8 0	90,892 6 10	1,169 4 0	56,700 11 11	1,52,805 14 9

NOTE.—This return does not contain figures relating to railways and railway factories.

RETURN II.

Cases before the Authority.

(a).—Claims arising out of deductions from and payment of wages during the calendar year 1938.

Nature of claim.	Pending at the beginning of the year.	Instituted during the year.	Total amount claimed in columns (2) and (3) in respect of wages and deductions but not compensation.	Number of claims allowed.	Amount allowed.		Number of claims dismissed.	Vexatious or malicious applications.		Number of cases pending at end of the year.	Number of appeals.
					Wages.	Compensation.		Number of cases in which penalty imposed.	Amount of penalty.		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
			RS. A. P.		RS. A. P.	RS. A. P.					
Deduction ..	..	1 (*a*)	1 3 0	1	1 3 0	..	..	..	..	..	..
Delay in payment ..	..	14 (*b*)	3,513 15 3	2	924 8 0	10 0 0	7 (*d*)	..	..	5	2 (*c*)

(*a*) Individual application.
(*b*) Eleven individual applications and three applications from groups of employees numbering 70.
(*c*) One dismissed and one pending.
(*d*) Includes five cases rejected for various reasons and two dismissed after hearing.

(b).—Claims arising out of deductions from and payment of wages for the year ending 31*st March* 1939 *for federal and non-federal railways.*

Deduction ..	Nil.
Delay in payment ..	Nil.

RETURN III.

(a).—Convictions for the calendar year 1938.

Number of convictions during the year for offences relating to.			Total.	Remarks.
Payment of wages.	Deductions from wages.	Notices, registers and returns.		
(1)	(2)	(3)	(4)	(5)
..	..	4	4	..

(b).—Convictions for the year ending 31*st March* 1939 *for federal and non-federal railways.*

Nil.

APPENDIX I.

LIST OF ACTS AND OMISSIONS IN RESPECT OF WHICH FINES MAY BE IMPOSED.

1. Bad and careless work and neglect of duty.
2. Disobedience and impertinence.
3. Misbehaviour and quarrelling.
4. Petty theft.
5. Being under the influence of drink or drugs while at work.
6. Smoking on the factory premises and/or bringing into the compound smoking materials and matches.
7. Committing a nuisance on the premises, or any act prejudicial to the health and cleanliness.
8. Sleeping or loitering during working hours.
9. Late coming.
10. Entering or leaving the factory premises except by the gates provided for the purpose.
11. Causing damage to property by negligence and carelessness.
12. Disobedience to any order expressly given or to a rule expressly framed, or breach of any standing orders or instructions designed for the purpose of securing the safety of workers.
13. Interference with, or disregard of, any safety guard or other device provided for the purpose of securing the safety of the workmen.

APPENDIX II.

LIST OF PURPOSES APPROVED UNDER SECTION 8 (8) OF THE PAYMENT OF WAGES ACT, 1936, TO WHICH REALIZATION OF FINES SHALL BE APPLIED.

1. Medical aid including the supply of medicines supplied free of cost to the workers but excluding the provision of first-aid equipment required by the Factories Act and Rules.
2. Educational facilities for workers and their children, such as conducting of schools for children and adults.
3. Celebration of important festivals in which the majority of the workers participate.
4. Expenditure for workers' excursions.
5. Welfare activities for employees and their children including reading rooms, in-door and out-[illegible] [illegible]reations.